Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:

800 Data Base Access Tariffs and the
800 Service Management System Tariff

DA 93-930
CC Docket No. 93-129

OPPOSITION TO PETITION FOR WAIVER

Allnet Communication Services, Inc. (Allnet) hereby opposes the Petitions for

Waiver filed on behalf of the Bell Operating Companies, Cincinnati Bell, and Southern

New England Telephone, filed September 16, 1993, as well as that filed by US West.

The basic predicate of these waivers is flawed. Namely, these parties claim that the

SCIS software, all of it documentation, and the details (or even a summary) of the

inputs and outputs that resulted in the cost support material submitted to the

Commission in this proceeeding, is proprietary. The BOCs have made no attempt to

sever confidential information from non-confidential information. As demonstrated in

the attached sample of a publicly available Vaughn index of the documents involved,

much of the material is not confidential.. Thus, at a minimum, the waiver request

must be modified to show a detailed breakdown of why the information that the BOCs

seek to protect is confidential. After such modifications, parties should have an

opportunity to comment on the modified waiver requests.

The argument presented by the BOCs regarding the revenue the software is

"worth" to Bellcore is a red herring. The software was developed with monopoly

ratepayer money. Consistent with the Democratic Central Committee v.

Washington Metropolitan Area Transit Commission Case, 485 F.2d at 806 (D.C. Cir. 1973), the proceeds of the sale of the use of the software belongs to the ratepayers and is "appropriately and justly credited to reduce the costs billable to the BOCs and recovered from the telephone ratepayers." See, Report on the Federal State Joint Audit of Bell Communications Research, Inc. (Bellcore), filed January 31, 1992 at 91 ("Reply Comments" of FCC/Joint Board). Thus, neither Bellcore or the BOC's are permitted to keep the money gained by the sale of this software.

Moreover, it is unclear why there is any benefit in Bellcore charging a price for this software. If the software were distributed without a fee, the industry would presumably be better off because, based on the BOC's representations, costs would be more accurately allocated and consumers would be better protected. Thus, it would be in the public interest that the fees charged for the use of the software be nominal. There is no public interest in allowing the BOCs to collect monopoly rents on this ratepayer subsidized software.

Finally, the letters of the manufacturers found attached to the BOC Petition are not credible for several reasons. First except for DSC ,the letters are not from officers of the respective manufacturers firms that they claim to represent. They are either "regulatory consultants" (AT&T), salesmen/account executives (DEC), or have no title at all (Northern Telecom). None of these persons can authoritatively speak to the issues raised in their letters. It is now well known that these firms wrote these letters to please the purchasers of their equipment to aid them in their regulatory causes here. The submission of these letters were not voluntary, but were simply part of the costs of doing business with the BOCs. It is not credible to believe that a viable sales organization such as AT&T and NT do not have a

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reasonably good idea of what their competitors charge as "list prices" and the discounts that are provided. In fact, none of the letters claim that each firm does not know this information about the other firms. This information is often obtained through the customers themselves (i.e., the BOCs). Moreover, as demonstrated in the public diclosure of development cost and actual pricing information regarding the costs of implementing dial-1 intraLATA equal access, these manufacturer's concern regarding disclosure are selective. (See, attachment II, herein). That is, if disclosure is what their customers want, then these firms are more than willing to disclose the information.

Second, none of the letters is in the form of a sworn affidavit. Thus, they have no significance as evidence.

Third, none of the letters addresses the question of whether portions of the documentation, outputs, or inputs could be released without creating the harms of which they claim.

In sum, the SCIS/SCR is simply part of a coverup to undermine the Commission's ability to oversee the ratemaking practices of the BOCs. These companies have made it very clear over the years that they seek rate flexibility. The SCIS is the ideal medium for accomplishing this goal. The SCIS has numerous "black box" algorithms that can be turned on and turned off, at will. The inputs and software switches can be manipulated to produce any ratemaking outcome the BOCs desire. Thus, rates which appear to be based on objective software algorithms, in fact produce highly subjective results.

The basic question for the Commission is whether it is going to play along with this scam or maintain its position. The Commission gave the BOCs a choice, either:

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1) provide reasonable support for the rates that are under investigation, without submitting any software that may have been employed, or 2) provide the software and allow it to be placed in the public record. No compelling reason has been provided that would justify deviation from the conditions set by the Commission. In any case, there is no reason why 1) the execution of confidentiality agreements is not sufficient for protecting the viewing of all of the documentation submitted, and 2) all of the non-confidential portions be made public. 5 U.S.C. §552(b); NTCA v FCC, 479 F.2d 183, 186 (D.C. Cir. 1973) ("the defending agency must prove that each document ...requested...is wholly exempt...").

Respectfully submitted,
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Attachment I

Section by Section Breakdown of SCIS Documentation

Description	Pages FCC Claimed Exemption	Commission Description	Allnet Counter Description and Exemption 4 Analysis
Subpart A: Software SCIS and SCM software			
1. Ameritech: Thirty 5.25-inch computer disks, SCIS software; four 5.25 inch disks, Common Channel Signalling Cost Information System (CCSCIS) software. 2. Bell Atlantic: Three 20-Megabyte Bernoulli Boxes, SCIS Version 5.0. 3. BellSouth: Twenty-two 3.5-inch disks, SCIS. 4. NET: Twenty-two 3.5-inch disks, SCIS. 5. NYT: One 3.5-inch disk, data for SCIS. 6. Pacific Bell: Thirty-four 5.25-inch disks, SCIS version 5.1.	Bell-IP US West IP	No analysis provided for witholding	Software is modular with separate input data tables, output data tables, and generic equations which have little meaning without coefficients from input tables. Since, input tables are segregable from remaining generic portions of software and output tables, by design, any objections to releasing these remaining modules portions are overcome.

Key to FCC Basis for Withholding: "US West" ➡ US West interests in intellectual property.
"Bell-IP" ➡ Bellcore interests in intellectual property.
"Vend-Comp" ➡ Switch Vendor interests in competitively sensitive information.1

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7. Southwestern Bell: Two 20-Megabyte Bernoulli Box, SCIS Version 5.01; one 20-Megabyte Bernoulli Boxes, SCIS Version 4.5.			
8. US West: Twelve 5.25-inch disks, SCM.			

Description	Pages FCC Claimed Exemption	Commission Description	Allnet Counter Description and Exemption 4 Analysis
1. AT&T 1AESS: Four <u>Volumes</u> Volume 1			
Table of Contents	1 page		Not identified in FCC Vaughn Index
Section 1: Introduction	10 pages Bell-IP		None of the following information that is contained in Section 1 comes within Section 1, nor could be considered "valuable intellectual property:" 1) one page general description of user guide, welcoming users, and description of purpose of guide. 2) two page description of the layout of pages of user manuals, including definition of such common terms as "section," "part," "header," "title," "label," and "text." 3) one page explanation explaining that a table of contents is provided to refer to for using the guides. 4) one page general description of how Volume 1 is organized (i.e., that section 1 contain introductory

Description	Pages FCC Claimed Exemption	Commission Description	Allnet Counter Description and Exemption 4 Analysis
			information, etc.)
			5) two page general procedure involving the userids for SCIS and how it is billed.
			6) two page explaining who to call call Bellcore for help in using the program.
			7) one page explaining that feedback forms can be found in other sections of the user guide.
			8) one page explaining that the user should make sure that Bellcore has an up-to-date address to send things to.
Section 2: General Description	7 pages Bell-IP		None of the following information that is contained in Section 1 comes within Section 1, nor could it be considered "valuable intellectual property:"
			1) one page table of contents for Section 2
			2) one page nontechnical overview of SCIS and what it can be used for -- substantively identical to information contained in publicly disclosed submissions by Bellcore to the FCC, FCC orders, presentations and publications of Bellcore or BOC personnel, and filings in this proceeding.

Description	Pages FCC Claimed Exemption	Commission Description	Allnet Counter Description and Exemption 4 Analysis
			3) one page general description of the outputs of SCIS; the same information has been previously disclosed by Bellcore in public filings to the FCC, FCC orders, presentations and publications of Bellcore or BOC personnel. and filings in this proceeding. 4) one page matrix providing general listing of _types_ of cost studies that SCIS performs. 5) two page general high-level, nonspecific, description of explaining the steps for developing equations for SCIS. One page flow chart. No equations. switch processes, or data are set forth. The same basic information was provided in Britt affidavit, US West and Bellcore filings before this court, and was described in FCC orders.
Section 3: Model Office	66 pages Bell-IP Vendor-Comp	Detailed description of 1AESS cost categories, partitioning, investment table, and getting started costs.	Actual Contents: 1) two page table of contents 2) one page (one sentence) overview explaining what is contained in Section 3. 3) one page includes: a definition of what a model office is, a high-level non-detailed explanation of the concept of total cost for the model office (i.e, that a total cost is the sum of all costs).

Description	Pages FCC Claimed Exemption	Commission Description	Allnet Counter Description and Exemption 4 Analysis
			4) three page brief high-level list of inputs to SCIS process, high-level description of configuration for 1AESS model office. Same information that is provided in public filings and publications.

7) one page high-level description of generic steps in development of equations for model office. Same information provided in public filings and publications, including general literature on modeling. No equations or data provided.

8) two page high-level description of cost categories used by SCIS. No equations or data provided.

9) one page high-level english description of the investment table, explaining that the tables contain cost coefficients which reflect hardware components engineered and purchased at a particular point in time. Also explains that users provide discount information. No equations or data are provided. Same information provided in public filings and publications.

10) one page high-level list of cost categories. No equations or data provided. Generic information readily available in public filings and publications. |

Description	Pages FCC Claimed Exemption	Commission Description	Allnet Counter Description and Exemption 4 Analysis
			11) seven page high level definition, description and list of "getting started cost." Few generic equations. No switch-specific equations or vendor data provided. Disclaimer stating that values used are for illustration, and are not typical. 13) three pages with high level generic description of "percent utilization factor," and some other general concepts -- using widgets as an example. Some generic equations provided, none believed to be vendor-specific. A definition for the commonly known and understood concept of the time-value-of-money, cash flow analysis, revenue vs expenses, discounted cash flow, present value, replacement vs exhaust, along with graphs illustrating these general concept. No known vendor specific information is provided. Concepts and their illustrations may be found in any engineering economics book. General description of the form of printouts from the program. No actual data or coefficients provided.
Section 4: Touch-Tone.		The Commission is not in possession of 1AESS SCIS User Guide, Volume 1,	

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		Section 4.	
Section 5: untitled,	35 pages Bell-IP Vendor-Comp	Instructions for installing SCIS onto a personal computer, running studies, and provides examples of output reports	Includes general description of the IBM-PC keyboard, layout of typical screens on computer. No vendor specific data. Tables of inputs for sample screens and screens are clearly labeled that values contained in examples are for illustration and not typical.
Section 6: Introduction	20 pages Bell-IP	Instructions for using SCIS model to represent a combined local/tandem 1 AESS office.	Contains: 1) one page table of contents. 2) one page description of what a local/tandem central office is. Same information available in Bellcore publications (e.g., Notes on the IntraLATA Network, LSSGR, and other publicly available Bellcore Technical References.) 3) remaining pages on generic equations that are clearly labeled as being for illustration and not typical.
Section 7: Flash	1 page Bell-IP	Bellcore's method of updating model and documentation on an interim basis.	

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Section 8: Glossary of Terms	37 pages Bell-IP		Most, if not all, terms defined are generic terms and their definitions that are found in other Bellcore publications, FCC orders, etc. (e.g., "basic telephone service," "average," "CCS," "central office," "kilo," "loop," "queue")
Appendix A: 1AESS SCIS User Guide Comment Form	1 page.	Bell-IP	Blank form for sending back comments.
Appendix B: 1AESS SCIS User Guide Missing Page Notification Form	1 page	Bell-IP	Blank form.
Appendix C: 1AESS SCIS User Guide Mailing List Update Form	1 page		Blank form.
Appendix D: SS7 Costs associated with 1AESS switches	16 pages Bell-IP		Contains: 1) one page (paragraph) general introduction to section, stating that it is about SS7 2) three page high-level generic description of SS7 signaling. Information is same as that which

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°			is described in publicly available Bellcore publications, periodicals (e.g., Telephony), pleadings to FCC, and FCC orders (e.g., CC Docket No. 86-10). 3) two page high-level generic description of types of information that user must provide to SCIS, 4) six page description of how costs of SS7 signaling should be computed, as well as a couple of generic cost allocation equation (not specific to any switch or vendor) for computing the cost for an SS7 signal,
Appendix E: SCIS - Basic Call Type Equations	3 pages Bell-IP		Generic descriptions and some cost allocation equations that are not used in SCIS.
Appendix F: 1AESS user input form.	Bell-IP		Blank Form
Volume 2 1ESS Section 1: Introduction to Volume 2	8 pages. Bell-IP		See, Volume 1, Section 1

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Section 2: Feature Cost Methodology	13 pages. Bell-IP Vend-Comp		Contains: 1) general descriptions of telephone service offerings (e.g. Feature Group B and D, ANI, three-way calling) that are found in published BOC tariffs, Bellcore publications, and FCC filings and orders. 2) sample screens are annotated to indicate that the values used are for illustration, and are not typical. 3) some high-level generic cost allocation equations for each service.
Section 3: Basic Centrex Service	66 pages Bell-IP and Vend-Comp.	Several equations describing costs associate with Centrex service.	See, Section 2.
Section 4: Basic Interim ESSX-1 Service	74 pages Bell-IP Vend--Comp	Several equations describing costs associated with 12 features of a refined centrex service.	See, Section 2.
Section 5: Basic Full ESSX-1 Service	86 pages Bell-IP, Vend--Comp	Several equations describing costs associated with 14 features of a refined	See, Section 2.

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		centrex service.	
Section 6: Centrex/ESSX-1 Group Features	253 pages Bell-IP, Vend-Comp	Several equations describing costs associated with 39 centrex service group features.	See, Section 2.
Section 7: Centrex/ESSX-1 Station Features	197 pages Bell-IP, Vend-- Comp	Several equations describing costs associated with 38 Centrex service station features.	See, Section 2.
Section 8: Centrex/ESSX-1 Attendant Features	65 pages Bell-IP, Vend-- Comp	Several equations describing costs associated with 13 centrex service attendant features.	See, Section 2.
Volume 3:		Not in Commission's Possession.	
Volume 4:			
Section 1: Introduction to Volume	4 8 pages Bell-IP		See, Volume 1, Section 1
Section 2: Local Area Signaling Services (LASS),	43 pages Bell-IP and	Contains detailed equations specifying costs associated with	See, Volume 2, Section 2

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	Vend-Comp	providing eight such services.) (two copies)	
Section 3: 911 Service,	92 pages. Bell-IP and Vend-Comp	Contains detailed equations specifying costs associated with three basic 911 service packages, one enhanced 911 service package, and several additional features available with enhanced 911 service.	See, Volume 2, Section 2
Section 4: Automatic Call Distribution Features,	117 pages. Bell-IP and Vend-Comp	Contains detailed equations describing costs associated with providing 26 automatic call distribution (ACD) features from 1AESS switch.	See, Volume 2, Section 2
Section 5: Introduction to Switched Access	5 pages Bell-IP and Vend-Comp		See, Volume 2, Section 2
Section 6: Switched Access Features	120 page Bell-IP	Contains detailed equations describing	See, Volume 2, Section 2

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◦	and Vend-Comp	costs associated with providing 4 feature groups and 21 "optional" switched access features from 1AESS switch.	
Section 7: Hotel-Motel/Hospital Service,	43 pages Bell-IP and Vend-Comp	Contains detailed equations describing costs associated with providing 10 features of hotel-motel/hospital service from 1AESS switch.	See, Volume 2, Section 2
Section 8: Electronic Tandem Switching Features ◦	51 pages Bell-IP and Vend-Comp	Contains detailed equations describing costs associated with providing 9 electronic tandem switching features from 1AESS switch	See, Volume 2, Section 2
Section 9: Centralized Attendant Service,	37 pages Bell-IP and Vend-Comp	Contains detailed equations describing costs associated with providing 18 features of centralized attendant service from a 1AESS switch.	See, Volume 2, Section 2
Section 10: POTS/PBX Features, 161 pages.	161 pages Bell-IP and Vend-	Contains detailed equations describing costs associated with providing 27	See, Volume 2, Section 2

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	Comp	POTS/PBX features from a 1AESS switch.	

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2. AT&T 4ESS: One Volume			
Section 1: Introduction	9 pages Bell-IP		See, Volume 1, Section 1 of 1AESS
Section 2: General Description,	7 pages Bell-IP		See, Volume 1, Section 2 of 1AESS
Section 3: Model Office,	97 pages Bell-IP	Contains a description of the Model Office Equation and applications of the Model Office Equation for a 4ESS tandem office.	See, Volume 1, Section 3 of 1AESS
Section 4: RESERVED.			
Section 5: 4ESS Office Study Module,	47 pages Bell-IP	Contains instructions for inputting data into the 4ESS Office Study Module, and examples or Output reports.	

Key to FCC Basis for Withholding: "Bell-IP" ➡ Bellcore interests in intellectual property.
"Vend-Comp" ➡ Switch Vendor interests in competitively sensitive information.

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Section 6: RESERUED.			
Section 7: Signaling System 7 (SS7),	24 pages Bell-IP Vend-Comp	Contains detailed equations describing costs associated with providing 557-related services from 557-equipped 4ESS offices.	See, Volume 1, Appendix D for 1AESS
Section 8: Glossary,	33 pages Bell-IP		See, Volume 1, Section 8 for 1AESS
Appendix: Processor Utilization Factor (PUF),	12 pages Bell-IP Vend-Comp	three unlabelled blank SCIS User Input Forms, intended for use with SCIS 4ESS Model; 4ESS SCIS User Guide Comment Form	Blank forms
Section 10: Description of interim updating procedures adopted October, 1990,	1 page Bell-IP		See, Volume 1, Section 7 for 1AESS

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Volume 1			
Table of Contents	1 page		Not identified in FCC Vaughn Index
Section 1: Introduction	10 pages Bell-IP		Contains: 1) one page general description of user guide, welcoming users, and description of purpose of guide. 2) two page description of the layout of pages of user manuals, including definition of such common terms as "section," "part," "header," "title," "label," and "text." 3) one page explanation explaining that a table of contents is provided to refer for using the guides. 4) one page general description of how Volume I is organized (i.e., that section I contain introductory information, etc.) 5) one page explaining that the SCIS program can be used on computer is run on an IBM or IBM clone computer. 6) one page explaining that a user can call Bellcore for help in using the program.

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			7) one page explaining that feedback forms can be found in other sections of the user guide. 8) one page explaining that the user should make sure that Bellcore has an up-to-date address to send things to.
Section 2: General Description	7 pages Bell-IP		Contains: 1) one page table of contents for Section 2 2) one page nontechnical overview of SCIS. Contains no information that has not been publicly disclosed in previous submissions by Bellcore in public filings to the FCC, FCC orders, or presentations and publications of Bellcore or BOC personnel, and filings in this proceeding. 3) one page general description of the type of output data provided by SCIS; the same information has been previously disclosed by Bellcore in public filings to the FCC, FCC orders, presentations and publications of Bellcore or BOC personnel. and filings in this proceeding. 4) one page matrix providing high-level generic listing of types of cost studies that SCIS performs; 5) four page general high-level

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			description of steps for developing equations for SCIS. One page flow chart. No equations. switch processes, or data are set forth. The same information was provided in Britt affidavit, US West and Bellcore filings before this court, and was described in FCC orders. Concepts described a common to standard mathematical modeling. No unique information provided. Section also explains that model switch office is based on functional description of switch, rather than technical description of the office.
Section 3: Model Office - Standalone/Host	166 pages.	Bell-IP and Vend-Comp	Contains: 1) seven page table of contents; 2) one page (paragraph) generic introduction to what section addresses. 3) one page containing generic definition of model office, generic equation for total cost (i.e., that is the sum of all costs). No non-public data or equations provided. 4) four pages provide high-level list of what types of information to formulating the model office and generic description of model office. Available in public filings